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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH P. SUNDERMEYER and SHO KUWAMOTO

Appeal 2008-004269
Application 10/690,980
Technology Center 2100

Decided:¹ July 31, 2009

Before JAMES D. THOMAS, LEE E. BARRETT, and JAMES R.
HUGHES, *Administrative Patent Judges*.

HUGHES, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The two month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-26. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

We affirm in part the Examiner's rejections.

Appellants' Invention

Appellants invented an electronic document editing system and method for restricting editing in a multi-formatted document such as a multimedia presentation or web page. One embodiment of the invention is a document editing method that restricts editing of a tag-delimited document by a page editor responsive to restriction tags within the document. (Spec. ¶¶ [0002], [0003], [0009]-[0011].)²

Claims

Independent claims 1 and 22 further illustrate the invention. They read as follows:

1. A method to restrict editing in a tag-delimited, multi-formatted document comprising:
 - parsing said multi-formatted document;
 - identifying a plurality of tags responsive to said parsing;
 - generating a revised document based on said multi-formatted document;

² We refer to Appellants': Specification ("Spec."), Appeal Brief ("App. Br.") dated April 13, 2007, and Reply Brief ("Reply Br.") dated September 28, 2007. We also refer to the Examiner's Answer ("Ans.") mailed July 30, 2007.

inserting one or more restriction tags into said revised document delimiting non- editable content defined by one or more of said plurality of tags; and

restricting edit functions of a page editor editing said revised document, wherein said restricting is responsive to said page editor reading said one or more restriction tags.

22. A system for preserving design elements of a Web page during content editing, said system comprising:

a Web development environment comprising:

a parsing engine for analyzing a plurality of Web page markup tags;

a list of restriction tags for insertion around said design elements, as defined by one or more of said plurality of Web page markup tags; and

a page editor comprising:

a plurality of deselectable editing functions, wherein said deselection is responsive to said restriction tags.

References

The Examiner relies on the following references as evidence of unpatentability:

Judson	US 5,572,643 ³	Nov. 5, 1996
Nakao	US 6,061,697	May 9, 2000
Brown	US 2004/0177321 A1	Sep. 9, 2004
		Filed Mar. 3, 2003

Dreamweaver TechNote 16416, *How to make an inherited editable region uneditable*, pp. 1-4 (Adobe Systems, Inc. July 26, 2002) (hereinafter “Dreamweaver”).

³ We note that Judson was incorrectly referenced as U.S. Patent No. 5,752, 643 in both Appellants’ Appeal Brief and the Examiner’s Answer.

Rejections

The Examiner rejects claims 1-21 under 35 U.S.C. § 103(a) as unpatentable over Brown and Dreamweaver.

The Examiner rejects claims 22-24 and 26 under 35 U.S.C. § 103(a) as unpatentable over Nakao and Brown.

The Examiner rejects claim 25 under 35 U.S.C. § 103(a) as unpatentable over Nakao, Brown, and Judson.

ISSUES

Issue 1 – Rejection of Claims 1-21 under 35 U.S.C. § 103(a)–Inserting Restriction Tags Into a Revised Document

Appellants’ Contentions

Appellants contend that the Examiner improperly rejected the claims. Specifically, Appellants contend that the Examiner failed to establish a proper prima facie case of obviousness for the claims in that the Brown and Dreamweaver references do not teach inserting restriction tags into a revised document, and that no motivation exists for combining the teachings of Brown and Dreamweaver. (App. Br. 9-11, 20-21.)

Examiner’s Findings and Conclusions

The Examiner found that Brown and Dreamweaver teach each feature of Appellants’ invention as claimed in independent claims 1, 8, and 15 and their respective dependent claims, in particular, inserting restriction tags into a revised document. (Ans. 4-12.) The Examiner found that Brown teaches: (1) parsing a multi-formatted document; (2) identifying tags responsive to the parsing; (3) generating a revised document based on the original multi-

formatted document; and (4) inserting restriction tags into the revised document, where the restriction tags delimit non-editable content. (Ans. 4-5, 7-8, 10-11, and 15-16.) The Examiner found that Dreamweaver teaches: (1) inserting restriction tags into the revised document, where the restriction tags delimit non-editable content; and (2) restricting the edit functions that may be performed on a revised document by a page editor that edits the revised document where the restricting of the editing is responsive to the page editor reading the restriction tags. (Ans. 5, 8-9, 11, 16-17.)

The Examiner found that both Brown and Dreamweaver “are directed to editing structured document files.” (Ans. 6.) The Examiner determined that “it would have been obvious to one of ordinary skill in the art at the time of [Appellants’] invention” to modify Brown’s meta editor for structured documents, and in particular Brown’s XML bounding file with restriction tags to include “the templates with editable regions taught by Dreamweaver.” (Ans. 6.) The Examiner concluded that one would be motivated to make the modification so that: (1) Brown’s “editing GUI would have functionality to control and restrict editing both of HTML (Dreamweaver) and XML (Brown);” and (2) “the user would have the benefit of a simpler way to edit XML files and the application developer would have control over user actions while editing the files.” (Ans. 6, 24.)

Issue 1: Did Appellants demonstrate that the Examiner erred in establishing a proper prima facie case of obviousness because Brown and Dreamweaver do not teach or suggest inserting restriction tags into a revised document, and because no motivation exists for combining the teachings of Brown and Dreamweaver?

*Issue 2 – Rejection of Claims 4, 11, and 18 under 35 U.S.C. § 103(a)–
Setting a Restriction Flag In the Revised Document*

Appellants’ Contentions

Appellants contend that the Examiner improperly rejected claims 4, 11, and 18 because Brown and Dreamweaver do not teach setting a restriction flag in the revised document to activate edit restriction. (App. Br. 11-12, 15, 18-19.)

Examiner’s Findings and Conclusions

The Examiner found that Brown and Dreamweaver teach setting a restriction flag in the revised document. (Ans. 6, 9, 12, 18, 21-22, 23.)

Issue 2: Did Appellants establish that the Examiner erred in determining that Brown and Dreamweaver teach setting a restriction flag in the revised document?

*Issue 3 – Rejection of Claims 7, 14, and 21 under 35 U.S.C. § 103(a)–
Removing Restriction Tags*

Appellants’ Contentions

Appellants contend that the Examiner improperly rejected claims 7, 14, and 21 because Brown and Dreamweaver do not teach removing (or stripping out) restriction tags when the page editor writes an edited multi-formatted document for presentation. (App. Br. 12-13, 16, 19.)

Examiner's Findings and Conclusions

The Examiner found that Brown and Dreamweaver teach removing a restriction flag in the revised document. (Ans. 6-7, 9, 12, 18-19, 22.)

Issue 3: Did Appellants establish that the Examiner erred in determining that Brown and Dreamweaver teach removing a restriction flag in the revised document?

Issue 4 – Rejection of Claims 22-24 and 26 under 35 U.S.C. § 103(a)

Appellants' Contentions

Appellants contend that the Examiner improperly rejected the claims. Specifically, Appellants contend that the Examiner failed to establish a proper prima facie case of obviousness for the claims in that the Nakao and Brown references do not teach a list of restriction tags for insertion around design elements of a web page, deselectable editing functions responsive to restriction tags, and that no motivation exists for combining the teachings of Nakao and Brown. (App. Br. 9-11, 20-21.)

Examiner's Findings and Conclusions

The Examiner found that Nakao and Brown teach each feature of Appellants' invention as claimed in independent claim 22, and dependent claims 23, 24, and 26. (Ans. 13-14.) The Examiner found that both Nakao and Brown are directed to "restricting editing operations on structured documents." The Examiner determined that it would have been obvious to one of ordinary skill in the art at the time of Appellants' invention to modify Nakao in view of Brown "so that the user would have the benefit of

techniques that enable application developers to have some control over what users can do when editing a structured document file.” (Ans. 13.)

Issue 4: Did Appellants demonstrate that the Examiner erred in establishing a proper prima facie case of obviousness because Nakao and Brown do not teach or suggest a list of restriction tags for insertion around design elements of a web page and deselectable editing functions responsive to restriction tags, and because no motivation exists for combining the teachings of Nakao and Brown?

FINDINGS OF FACT (FF)

We find that the following enumerated findings are relevant to the rejections under review and are supported by at least a preponderance of the evidence. *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Office).

Brown Reference

1. Brown describes systems and methods of utilizing a meta editor to control and restrict editing of a structured document (e.g., an XML (extensible markup language) document). An XML structured document may contain multiple formats. The term document also broadly refers to any type of data or data file encoded with XML. (¶¶ [0007]-[0010].)

2. Brown teaches a developer using Brown’s meta editor to generate a XML Bounding File, Bounding DTD, and Generated Editor from an XML document and Document Type Definition (DTD) file. An end user

uses the XML Bounding File, Bounding DTD, and Generated Editor to generate a revised XML document (e.g., a web page). (¶¶ [0026]-[0031], [0059]-[0063]; Figs. 3A, 3B, 12-16.)

3. Brown teaches parsing an XML document as well as an XML DTD file. (¶¶ [0008], [0074]-[0078].)

4. Brown teaches identifying and displaying XML tags in a meta editor (displayed in a GUI). (¶ [0072]; Fig. 6.)

5. Brown teaches utilizing its meta editor to specify restrictions for editing an XML document (e.g., hiding elements and making elements non-editable) by an end user. The meta editor parses the original XML document and/or DTD and inserts restriction tags into the resulting XML Bounding File and Bounding DTD. (¶¶ [0063], [0107]-[0109].)

Dreamweaver Reference

6. Dreamweaver describes a page editor for editing tag delimited documents (HTML or mult-formatted documents). Dreamweaver teaches creating a base template and a nested template from the base template. (Dreamweaver, pp. 1-3.)

7. Dreamweaver teaches that editable portions of the base template are made non-editable (locked) in instances of the nested template (documents made from the nested template). (Dreamweaver, pp. 1-3.)

8. Dreamweaver also teaches inserting tags (code) [@ @ (" ") @ @] into the nested template to lock (make non-editable) particular elements within the nested template. (Dreamweaver, pp. 1-3.)

9. Dreamweaver teaches moving or modifying code within an editable region in order to control visibility of the code and/or content, i.e.,

to make visible or hide particular code or content. Dreamweaver, however, does not teach removing the code or content. (Dreamweaver p. 3)

Nakao Reference

10. Nakao describes an SGML document editing apparatus and method for editing a variety of documents including multi-formatted documents. Nakao also describes a web development environment. (Abstract; col. 1, ll. 11-53.)

11. Nakao teaches a parsing engine for parsing an SGML encoded document and analyzing tags (markup tags). (Col. 2, ll. 32-57; col. 5, ll. 5-22; col. 7, ll. 13-25.)

12. Nakao does not display or provide access to the document tags themselves. The document tags are created and modified by Nakao's apparatus. A user of the apparatus does not view or modify the tags. Nor do these tags limit editing of the portion of the SGML document that is edited by the user. (Col. 9, ll. 1-45.)

PRINCIPLES OF LAW

Burden on Appeal

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006).

Obviousness

A claimed invention is not patentable if the subject matter of the claimed invention would have been obvious to a person having ordinary skill

in the art. 35 U.S.C. § 103(a); *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007); *Graham v. John Deere Co.*, 383 U.S. 1, 3 (1966).

In *KSR*, the Supreme Court emphasized “the need for caution in granting a patent based on the combination of elements found in the prior art,” and stated that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR*, 550 U.S. at 415-16. The Court explained:

When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, §103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.

Id. at 417. The operative question is thus “whether the improvement is more than the predictable use of prior art elements according to their established functions.” *Id.*

Consistent with *KSR*, the Federal Circuit recently recognized that “[a]n obviousness determination is not the result of a rigid formula disassociated from the consideration of the facts of a case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not.” *Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir. 2007) (citing *KSR*, 550 at 416). The Federal Circuit relied in part on the fact that *Leapfrog* had presented no evidence that the inclusion of a reader in the combined device was “uniquely challenging or difficult for one of ordinary

skill in the art” or “represented an unobvious step over the prior art.” *Id.* at 1162.

ANALYSIS

Initially we note the following claim groupings. Appellants separately argue the merits of independent claims 1, 8, 15, and 22, as well as dependent claims 4, 7, 11, 14, 18, 21, and 25. They do not address dependent claims 2, 3, 5, 6, 9, 10, 12, 13, 16, 17, 19, 20, 23, 24, and 26. (App. Br. 11, 15, 18, and 23.) We will, therefore, treat claims 2, 3, 5, and 6 as standing or falling with claim 1; treat claims 9, 10, 12, and 13 as standing or falling with claim 8; treat claims 16, 17, 19, and 20 as standing or falling with claim 15; and treat claims 23, 24, and 26 as standing or falling with claim 22. We accept Appellants’ grouping of the claims. *See* 37 C.F.R. § 41.37(c)(1)(vii) (“Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.”). Accordingly, we address only those arguments that Appellants present in the Briefs. Arguments that Appellants could have made but chose not to make in the Briefs are waived.

Issue 1 – Rejection of Claims 1-21 under 35 U.S.C. § 103(a)–Inserting Restriction Tags Into a Revised Document

Claim 1 and 2, 3, 5, and 6

The Examiner rejects the claims (independent claim 1 and dependent claims 2, 3, 5, and 6) under 35 U.S.C. § 103(a) over Brown and Dreamweaver. We decide the question of whether Appellants demonstrate that the Examiner erred in establishing a proper *prima facie* case of

obviousness because the references (Brown and Dreamweaver) do not teach or suggest inserting restriction tags into a revised document. We also decide whether motivation exists for combining the teachings of Brown and Dreamweaver. We will affirm the Examiner's rejection of claims 1-3, 5, and 6 for the reasons that follow.

From our review of the administrative record, we find that the Examiner presents a prima facie case for the rejection of Appellants' claims 1-3, 5, and 6 under 35 U.S.C. § 103. (Ans. 4-6.) We agree with the Examiner that the Brown reference teaches each feature of Appellants' claims, except for "restricting edit functions of a page editor editing said revised document, wherein said restricting is responsive to said page editor reading said one or more restriction tags." This feature is taught by the Dreamweaver reference, as we explain below. In particular, both Brown and Dreamweaver teach inserting restriction tags into a revised document.

Initially we note that we determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims "their broadest reasonable interpretation consistent with the specification" and "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). Accordingly, giving the term "document" its broadest reasonable interpretation, we find that a "document" would be understood by one of skill in the art to include tag-delimited files and/or data (files and data encoded with HTML or XML) such as a web page. (See FF 1.) Accordingly, a revised document would be understood to be any document, file, and/or data derived from an original document.

Brown describes restricting editing of a document, in particular a tag-delimited multi-format structured XML document. (FF 1.) Indeed, the clearly stated purpose of Brown is to simplify controlling and restricting editing of an XML document (or similarly structured document) by an end-user. (Abstract; ¶¶ [0059], [0063]; FF 1, 2.) Brown describes using a meta editor to generate an XML Bounding File, Bounding DTD, and Generated Editor from an original XML document and DTD file. (FF 2.) The XML Bounding File, Bounding DTD, and Generated Editor are derived from the original XML document and/or DTD. Thus, we agree with the Examiner that these files are revised documents as recited in the claims.

Brown teaches parsing an XML document and DTD file (multi-formatted documents as recited in claim 1). (FF 3.) Brown also teaches identifying and displaying XML tags in a meta editor, i.e., identifying a plurality of tags responsive to the parsing, as recited in claim 1. (FF 4.)

Contrary to Appellants' contentions, we agree with the Examiner that Brown teaches inserting restriction tags into a revised document. Brown teaches utilizing the meta editor to specify restrictions for editing an XML document by an end user. The meta editor inserts restriction tags into the resulting XML Bounding File and Bounding DTD; i.e., inserts restriction tags into revised documents. (FF 5.) While Brown certainly suggests editing an original XML document using a page editor, and the page editor being responsive to restriction tags inserted into the XML Bounding File and Bounding DTD, Brown does not, however, actually teach editing a revised (XML) document with restriction tags inserted therein.

The Examiner relies on Dreamweaver for this feature. The Examiner found that the Dreamweaver reference teaches a page editor editing a revised

multi-formatted document (a document with restriction tags inserted into it), and the page editor being responsive to restriction tags inserted into the revised document. The Dreamweaver reference describes a page editor for editing tag delimited HTML documents. Specifically, Dreamweaver teaches creating a base template, and then creating a nested template from the base template. (FF 6.) Editable portions of Dreamweaver's base template or nested template may be made non-editable (locked) in the nested template, and in documents made from the nested template; i.e., in revised documents. (FF 7.) Dreamweaver also teaches inserting tags into the nested template (revised document) to make particular elements non-editable. (FF 8.) Accordingly, we agree with the Examiner that Dreamweaver teaches restricting the edit functions that may be performed on a revised document by a page editor responsive to (reading) the restriction tags in the revised document.

Appellants contend that the rationale (motivation) for combining the references provided by the Examiner is faulty because the advantages of the rationale already exist in Brown – “adding *Dreamweaver* to *Brown* for the purposes put forth by the Examiner would be superfluous, and thus there would be no benefit in the proposed combination.” (App. Br. 20 (italics in original).) We agree with the Examiner that this is not the situation here. Brown expressly suggests restricting the edit functions that may be performed on an XML document by a page editor responsive to restriction tags. Dreamweaver teaches creating a revised document, as well as a page editor responsive to restriction tags in the revised document. “It is common sense that familiar items may have obvious uses beyond their primary purposes, and a person of ordinary skill often will be able to fit the teachings

of multiple patents together like pieces of a puzzle.” *KSR*, 550 U.S. at 402. Accordingly, Appellants’ contentions that there is no motivation to combine Brown and Dreamweaver are inapposite to our findings concerning the references, and we find Appellants’ arguments are therefore unavailing.

The Examiner provides ample evidence of reasons to combine the references. Accordingly, we find the Examiner has “articulated reasoning with some rational underpinning” for the combination of the references. *KSR*, 550 U.S. at 418. Thus, in light of *KSR* and *Leapfrog*, the evidence provided by the Examiner supports a finding that combining familiar elements according to known methods is obvious when it does no more than yield predictable results. The Examiner presents a prima facie obviousness rejection. Appellants do not provide any evidence rebutting the prima facie case of obviousness (e.g., the invention producing unexpected results, or a reference teaching away from the combined teachings.)

For all the reasons noted above, Appellants fail to demonstrate error in the Examiner’s rejection of independent claim 1 and dependent claims 2, 3, 5, and 6. Accordingly, we will sustain the Examiner’s rejection of claims 1-3, 5, and 6.

Claim 8 and 9, 10, 12, and 13

As with claim 1, we decide the question of whether Appellants establish a proper prima facie case of obviousness for the Brown and Dreamweaver combination. We will affirm the Examiner’s rejection of claims 8-10, 12, and 13 for the reasons that follow.

From our review of the administrative record, we find that the Examiner presents a prima facie case for the rejection of Appellants’ claims

8-10, 12, and 13 under 35 U.S.C. § 103. (Ans. 7-9.) We agree with the Examiner that Brown and Dreamweaver teach each feature of Appellants' claims. While neither Brown, nor Dreamweaver actually discuss the code used to perform these functional features (e.g., inserting prohibition labels), these features are taught by the references, as we previously explain with respect to claim 1. The code for performing these features is inherent in the references.

For all the reasons noted above, Appellants fail to demonstrate error in the Examiner's rejection of independent claim 8 and dependent claims 9, 10, 12, and 13. Accordingly, we will sustain the Examiner's rejection of claims 8-10, 12, and 13.

Claim 15 and 16, 17, 19, and 20

As with claim 1, we decide the question of whether Appellants establish a proper prima facie case of obviousness for the Brown and Dreamweaver combination. We will affirm the Examiner's rejection of claims 15-17, 19, and 20 for the reasons that follow.

From our review of the administrative record, we find that the Examiner presents a prima facie case for the rejection of Appellants' claims 15-17, 19, and 20 under 35 U.S.C. § 103. (Ans. 10-12.) We agree with the Examiner that Brown and Dreamweaver teach each feature of Appellants' claims, including inserting restriction markup tags in a substitute (revised) web document, as we previously explain with respect to claim 1.

For all the reasons noted above, Appellants fail to demonstrate error in the Examiner's rejection of independent claim 15 and dependent claims 16,

17, 19, and 20. Accordingly, we will sustain the Examiner's rejection of claims 15-17, 19, and 20.

*Issue 2 – Rejection of Claims 4, 11, and 18 under 35 U.S.C. § 103(a)–
Setting a Restriction Flag In the Revised Document*

We review the question of whether Appellants establish that the Examiner erred in determining that Brown and Dreamweaver teach setting a restriction flag in the revised document. We will affirm the Examiner's rejection of claims 4, 11, and 18 for the reasons that follow.

We find unavailing Appellants' argument that Brown and Dreamweaver do not teach setting a restriction flag in a revised document to activate edit restriction. From our review of the administrative record, we find that the Examiner presents a prima facie case for the rejection of Appellants' claims 4, 11, and 18 under 35 U.S.C. § 103. (Ans. 6, 9, 12, 18.) Appellants use the terminology restriction tag and restriction flag interchangeably. (Spec. ¶ [0030].) Brown teaches that tags can be marked as non-editable, i.e., setting a restriction flag. (FF 5; ¶¶ [0091]-[0093].)

For all the reasons noted above, Appellants fail to demonstrate error in the Examiner's rejection of claims 4, 11, and 18. Accordingly, we will sustain the Examiner's rejection.

*Issue 3 – Rejection of Claims 7, 14, and 21 under 35 U.S.C. § 103(a)–
Removing Restriction Tags*

We review the question of whether Appellants establish that the Examiner erred in determining that Brown and Dreamweaver teach

removing a restriction flag in the revised document. We will reverse the Examiner's rejection of claims 7, 14, and 21 for the reasons that follow.

We find persuasive Appellants' argument that Brown and Dreamweaver do not teach removing (stripping out) a restriction flag in a revised document. The Examiner concedes that Brown does not teach the feature of removing restriction tags. (Ans. 6.) The Examiner, however, found that Dreamweaver teaches removing a restriction flag in the revised document. (Ans. 6-7, 9, 12, 18-19, 22.) We cannot agree that Dreamweaver teaches or suggests this feature. Dreamweaver teaches hiding code or content by moving or modifying code within an editable region. (FF 9.) Dreamweaver does not teach removing (stripping out) code entirely, merely hiding the code (or content).

For all the reasons noted above, Appellants demonstrate error in the Examiner's rejection of claims 7, 14, and 21. Accordingly, we reverse the Examiner's rejection of claims 7, 14, and 21.

Issue 4 – Rejection of Claims 22-24 and 26 under 35 U.S.C. § 103(a)

We review the question of whether Appellants demonstrate that the Examiner erred in establishing a proper prima facie case of obviousness because Nakao and Brown do not teach or suggest a list of restriction tags for insertion around design elements of a web page and deselectable editing functions responsive to restriction tags, and because no motivation exists for combining the teachings of Nakao and Brown. We will reverse the Examiner's rejection of claims 22-24 and 26 for the reasons that follow.

We find persuasive Appellants' argument that Nakao and Brown do not teach a list of restriction tags for insertion around design elements of a

web page, or deselectable editing functions responsive to restriction tags. The Examiner asserts that Nakao teaches a page editor and a list of restriction tags for insertion into a web page, but concedes that Nakao does not teach a page editor with deselectable editing functions responsive to restriction tags. The Examiner relies on Brown to teach a page editor with deselectable editing functions responsive to restriction tags. (Ans. 13.)

We cannot agree with the Examiner that Nakao teaches a list of restriction tags for insertion around design elements of a web page, or that Brown teaches a page editor with deselectable editing functions responsive to restriction tags. Nakao describes an SGML document editing apparatus for editing documents in a web environment. Nakao teaches parsing an SGML encoded document and analyzing tags (markup tags). Nakao, however, does not display or provide access to the document tags, which are created and modified by Nakao's apparatus, not the user. A user of the apparatus does not view or modify the tags. Moreover, these tags do not limit editing of the portion of the SGML document that is edited by the user. (FF 10-12.) Thus, Nakao does not teach or suggest a list of restriction tags for insertion into a web page. As discussed previously, while Brown discloses a page editor (meta editor) that restricts editing (FF 5), Brown does not disclose a page editor with editing functions that are deselectable (deselected) responsive to restriction tags.

For all the reasons noted above, Appellants demonstrate error in the Examiner's rejection of claims 22-24 and 26. Accordingly, we reverse the Examiner's rejection of claims 22-24 and 26.

Claim 25

Claim 25 is dependent on claim 22. Accordingly, we will reverse the Examiners' rejection of claim 25 for the reasons set out for Issue 4 (claims 22-24 and 26) above. The combination of Nakao, Brown, and Judson do not teach or suggest a list of restriction tags for insertion around design elements of a web page and deselectable editing functions responsive to restriction tags.

CONCLUSION OF LAW

On the record before us, we find that Appellants do not demonstrate that the Examiner erred in establishing a proper prima facie obviousness rejection for claims 1-6, 8-13, and 15-20, in that Brown and Dreamweaver teach inserting restriction tags into a revised document and setting a restriction flag in the revised document, and that the Examiner provided a reasonable rationale for combining the references. We find that Appellants demonstrate that the Examiner erred in establishing a proper prima facie obviousness rejection for claims 7, 14, and 21, in that Brown and Dreamweaver do not teach removing restriction tags from a revised document. We also find that Appellants demonstrate that the Examiner erred in establishing a proper prima facie case of obviousness for claims 22-26, in that Nakao and Brown do not teach or suggest a list of restriction tags for insertion around design elements of a web page and deselectable editing functions responsive to restriction tags.

DECISION

We affirm the Examiner's rejection of claims 1-6, 8-13, and 15-20 under § 103(a). We reverse the Examiner's rejection of claims 7, 14, and 21-26 under § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED-IN-PART

rwk

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